IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1647 OF 2005.

Ashok Nandu Shetty ... . Petitioner.
V/s
State of Maharashtra & Anr. .... Respondents.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	))))	Court's or Judge's Orders

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Mrs.V.B. Thadani, adv. for the petitioner.

Mr.A.S. Shitole, APP for the State.

CORAM:V.G. PALSHIKAR
AND
R.C. CHAVAN, JJ.

20.7.2005

PC:

By this petition the petitioner has challenged the action of the respondents in renewing petitioner's licence for funning an eating house in accordance with the circulars issued from time to time by the police under the Bombay Police Act.

2. The contention is that as per the circulars existing timing of eating houses of the kind sought by the petitioner is from 7.00 to 1.30 a.m. That being the correct position under the circulars grant of renewed licence with reduced timings is in fraction of the right of the petitioner under the statute to claim the same timings as others governed by those circulars have. In

effect grievance is that the renewed licence as issued to the petitioner is not in accordance with law. The renewed licence is in effect an order passed by the police permitting running of eating house established under the provisions of Bombay Police Act which according to the petitioner is not correct. Remedy therefore is to file an appeal against this variation done in the order/licence by reducing timings during which it is permissible to run eating house. That being the situation keeping the remedy alive to the petitioner this petition is disposed of.

3. If any appeal is filed within two weeks from today it be considered on merits only. All contentions raised by all parties to the petition shall remain open to all of them.

20.7.2005